

REMARKS

Claims 1-15 and 17-33 are rejected.

The status of Claim 16 is unknown as no rejection was made to the claim.

Applicants have amended the drawings with proposed replacement drawings that have text bubbles added to Figs. 2A and 2B to connect elements of the shown flowcharts with each other. Such amendments were requested by the Examiner. Upon the Examiner's approval of such proposed drawings, will the Applicants submit drawings redone by a draftsperson.

Applicants have also added information to the specification denoting applications that are related to the present application (i.e. claim priority from the same priority document).

Such applications are as follows:

U.S. Patent Application No. 09/636,393, filed on August 9, 2000; U.S. Patent Application No. 09/635,735 filed on August 9, 2000;
U.S. Patent 6,980,972 which issued on December 27, 2005;
U.S. Patent Application No. 09/635,723 filed on August 9, 2000;
U.S. Patent Application No. 09/635,736;
U.S. Patent Application No. 09/635,737 filed on August 9, 2000 from which a further U.S. Patent Application No. 10/758,172 filed on January 14, 2004 as a continuation.

No new matter was added in view of these amendments.

As a side note, it is not clear whether the Examiner has rejected Claim 16 as the examiner provides no material in the rejection indicating the rejection of such a claim. Therefore, the Applicants will assume that the Examiner either made a mistake in the rejection or has found such a claim allowable, where the dependent claims (17-25) would also be allowable if this is the case.

Regardless of the case, the Examiner cannot make final an action (in view of a continuation) where the Examiner has not provided rationale for examining all of the pending claims (namely Claim 16). That is, the Applicants cannot determine how the Examiner may reject Claim 16 without the Examiner providing a rejection in the first place. Applicants therefore respectfully request that the Examiner withdraw the Final status of the present office action and issue a non-final office action indicating either Claim 16 being allowable over the cited art of record or rejecting the specifics elements of Claim 16 (see 37 C.F.R. 1.104(b)).

I. 35 U.S.C. 102 Rejection to Claims 1-33

The Examiner rejected Claims 1-33 under 35 U.S.C. 102(e) as being anticipated by Wolfe et al. (U.S. Patent # 6,282,715, hereafter referred to as 'Wolfe'). Applicants disagree with this ground of rejection.

A. General Comments about the cited reference

As applied to all of the claims of this application, the claims utilize the concept of "enhanced content programming". Although the term is construed by the Examiner as to apply to a situation where a user seeks information about buying an item from a dealer from a centralized database (see Wolfe, Abstract),

the present invention details more with the distribution of enhanced content. That is, enhanced content programming (if there is any ambiguity which the Applicants think is not the case) is defined as "additional information and/or specifications for a topic currently being broadcast, purchasing information for a product currently being shown, polling information that allows the user to participate in a current game or event, on-demand programming/services, or enhanced content programming," (see the specification, page 9, lines 18-24). This means that enhanced content programming is content that is meant to be supplemental to content that is broadcasted in an environment such as interactive content that is shown with a television show.

Applicants therefore assert that the disclosures and teachings of Wolfe do not disclose or suggest the use of "enhanced content programming" in view of the term's ordinary meaning, and if such a meaning is not well understood, the specification controls the meaning of the phrase (see Phillips v. AWH Corp. (Fed. Cir. 2005)).

B. Rejection of Claim 1

1. As recited above, Applicants do not assert that the Wolfe reference either discloses or suggests the use of "enhanced programming content". Specifically, the Wolfe reference is concerned with the delivery of information from a centralized website, in view of a request for information about a particular product. The invention then forwards a purchase request about the information to dealer. It is then up to the dealer to respond to the content requestor request, which is not defined well in the Wolfe reference (see Wolfe, col. 17, lines 36-54).

Because what the dealer does in response to a request of content, it

therefore is impossible for the reference to disclose or suggest the claimed step of "intercepting a user request response directed to the receiver by the content provider, wherein said user-request response comprises at least a portion of the transaction" because there is no user request response in the reference because such a response would come from the dealer (in the Wolfe reference).

Even if the Wolfe reference disclosed such a feature, there is no disclosure or suggestion that such a "user request response" is intercepted. Also, it figures that such a response is intercepted as to determine whether a transaction should proceed "if the content provider abides by said third party parameters". The Wolfe reference neither discloses nor suggests how a content provider (if assumed to be a dealer) would or wouldn't abide by such "third party parameters". That is, how would a content provider (dealer) abide by the information in a used vehicle purchase request record (as shown in Fig. 8 of Wolfe), as there seems to be nothing permissive about such a record. Applicants are unsure on how a content provider (such as a dealer) could or could not abide by such parameters as pointed out to by the Examiner. It appears that such information is normative information constituting a purchase request from a potential purchaser (see Wolfe, col. 11, lines 9-57), where there is nothing for a content provider to act on.

2. Claim 1 also refers to a step of "stripping at least a portion of the request information from said user request". This means, that part of a user request for content has something removed from it. This feature is neither disclosed nor suggested in Wolfe, as a user's request for content (assuming arguendo with the Examiner's disclosure) is made through a data center

where there would not be an opportunity (or need) to strip a user's request for content.

The present invention is different than what is shown in Wolfe in that the "network operated by a network operator" would be akin to an Internet Service Provider which operates a network. The "operator" in Wolfe is more like a wholesaler that operates between a buyer and a seller, who does not operate a network as claimed in Claim 1. Therefore, there is no disclosure or suggestion for the need in Wolfe to perform the step of "stripping at least a portion of the request information from said user request" as the wholesaler in Wolfe does not operate a network (like an ISP).

Therefore, for the reasons given above, Applicants assert that Claim 1 is patentable over the cited art of record.

C. Rejection of Claim 2

In the Office Action, the Examiner points to Figs. 7 (and presumably Fig. 8) as disclosing the claimed "set of business rules". The disclosure of Wolfe actually presents a series of normative facts that could not possibly be complied by a content provider in the sense of the third party parameters claimed in Claim 1. That is, a series of permissive rules that a content provider must comply with before a transaction can be completed. What Figs. 7 and 8 show is normative information that cannot be complied with by a content provider, but rather show facts about a potential buyer.

For the reasons given above, Applicants assert that Claim 2 is patentable over the cited art of record.

D. Rejection of Claim 3

In the Office Action, the Examiner points to Fig. 7 as disclosing the

claimed feature of "appending third party markers to said user request response, said appending step is performed by the content provider". As recited above, the content provider does little or anything. Therefore, the content provider (as the dealer) within the sense of Wolfe would not append a "third party marker" as it is actually the wholesaler in Wolfe who creates that database record shown in Fig. 7, not the dealer. Moreover, what is shown in Fig. 7 is not the same as the claimed "third party marker".

For the reasons given above, Applicants assert that Claim 3 is patentable over the cited art of record.

E. Rejection of Claim 4

Claim 4 claims the step of "if the content provider is determined to be an authorized content provider, replacing said stripping, inserting, and directing steps with the step of directing said user request to said authorized content provider". This step is not disclosed or suggested in Wolfe.

Specifically, the section that the Examiner refers to involves the situation "the Data Center server 104 utilizes a second HTML page accessible by an authorized dealer. That authorized dealer uses this web page to access the Data Center system and features as further detailed herein (Wolfe, col. 6, lines 34-37). What this means, is that the authorized dealer is actually accessing the Data Center using a browser in the instance where a person would access their bank account by using a user id and password.

This type of operation is not the same as having a user request being directed towards an authorized content provider, because this section of the Wolfe reference does not involve having user requests being routed to dealers, where a determination is made whether the dealer is "authorized" to

receive a particular user content request. Rather, Wolfe teaches that the Data Center server 104 provides an access point for an authorized dealer to access the Data Center server.

Applicants assert that Claim 4 is patentable over the cited art of record.

F. Rejection of Claim 5

Claim 5 claims the step of "providing a set of additional third party parameters to the content provider in response to a request from the content provider for said additional third party parameters". This would mean that in response to a request from the dealer (in Wolfe); the data center would have to respond back with more third party parameters.

Obviously, because Wolfe does not define (if any) an interaction from the content provider requesting something from a data center (in response to a user's request), it is more unlikely that the data center in Wolfe would respond back to a dealer with more "third party parameters". That is, this additional step is neither disclosed nor suggested in Wolfe and means something (within the context of the present invention) than would even be suggested by the teaching in Wolfe.

Claim 5 therefore is patentable over the cited art of record.

G. Rejection of Claim 6

Claim 6 claims the step of "directing said modified user request to a substitute content provider if the content provider does not abide by said third party parameters". This would mean that after refusing a first content provider, Wolfe would have to disclose or suggest that a modified user request would be forwarded to a second or "substitute" content provider.

Wolfe however does not disclose or suggest the use of alternative

content providers in the system, when a first content provider is unable to comply with said "third party parameters". Such a situation would result only when after the transmission of a first request for content (from the content provider) that such a content provider would have the user transaction terminated between it and a user because the content provider couldn't comply with the third party parameters. Hence, a second request for content would need to be sent to a substitute content provider. It not disclosed or suggested in Wolfe that there would be two rounds of content requests (even if the system were similar to what is claimed in the present invention, which is not the case). Apparently, Wolfe would send a content request initiated at the point of a data center to different dealers, which would not be inherently a two-step process.

For the reasons given above, Claim 6 is neither disclosed nor suggested in the art of record.

H. Unknown Status of Claim 16

Claim 16 claims an environment of "detecting triggers within said portion of said enhanced broadcast information". Even if the Examiner rejected such a claim in view of Wolfe, clearly such a reference does not disclose or suggest the use of triggers nor does Wolfe disclose or suggest the environment where enhanced broadcast information is used (such as a television show, please refer to the specification because the content in the environment of Claim 16 would be a "broadcast" environment).

Regardless of the status of Claim 16, Applicants assert that such a claim is allowable over Wolfe whether or not the Examiner formally rejected such a claim.

I. Rejection of Claim 26

In regards to the argumentation given above for Claim 1, Applicants assert that Claim 26 is patentable over Wolfe.

J. Conclusion

Hence, for all the reasons given above, Applicants assert that Claims 1-33 are patentable over the cited Wolfe reference. Applicants respectfully request that the Examiner remove the rejection to all of these claims and/or issue a new non-final office action because of the uncertainty of the status of Claim 16.

Please charge Deposit Account 07-0832 for any fees owed in connection with this paper.

It is believed that, in view of the preceding amendments and remarks, this application is in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicant' attorney at (609) 734-6809, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

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